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| Patent No. 7,087,164 | : | |
| Issued: August 8, 2006 | : | |
| Application No. 10/710,993 | : | ON PETITION |
| Filed: August 16, 2004 | : | |
| Attorney Docket No. 41821.0938 | : | |

This is in response to the paper filed September 18, 2006 captioned under 37 CFR 1.28 seeking status as a small entity and a refund of the excess issue fee paid as a large entity. The correspondence is being treated as a statement of small entity status and a refund request under 37 CFR 1.27(c).

The petition under 37 CFR 1.27(c) is **granted**.

The statement claiming small entity status of September 18, 2006 has been made of record and small entity status has been accorded.

Regarding the request for refund, petitioner has asserted small entity status and requested a refund of the excess amount paid as a large entity within three months of the date of the timely payment of the large entity fee. Therefore, the petition is granted. Deposit account no. 19-2814 will be credited the excess amount paid, or \$700.00.

The application file is being returned to Files Repository.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions